

Barrett (SC)	Foley	McCotter	Shuster	Terry	Watson	[Roll No. 230]		
Barton (TX)	Forbes	McCrery	Simmons	Thomas	Watt	YEAS—379		
Bass	Fortenberry	McDermott	Simpson	Thompson (CA)	Waxman			
Beauprez	Fox	McGovern	Skelton	Thompson (MS)	Weiner	Ackerman	Doggett	Kirk
Becerra	Frank (MA)	McHenry	Smith (NJ)	Thornberry	Weldon (FL)	Aderholt	Doolittle	Kline
Berkley	Franks (AZ)	McHugh	Smith (TX)	Tiahrt	Weldon (PA)	Akin	Doyle	Knollenberg
Berman	Frelinghuysen	McIntyre	Smith (WA)	Tiberi	Weller	Alexander	Drake	Kolbe
Biggert	Gallely	McKeon	Snyder	Towns	Westmoreland	Allen	Dreier	Kuhl (NY)
Bilirakis	Garrett (NJ)	McKinney	Sodrel	Turner	Wexler	Andrews	Duncan	LaHood
Bishop (GA)	Gerlach	McMorris	Solis	Udall (NM)	Whitfield	Baca	Edwards	Langevin
Bishop (UT)	Gilchrest	McNulty	Souder	Upton	Wicker	Bachus	Ehlers	Larsen (WA)
Blackburn	Gillmor	Meek (FL)	Spratt	Van Hollen	Wilson (NM)	Baker	Emanuel	Larson (CT)
Blumenauer	Gingrey	Meeks (NY)	Stark	Velázquez	Wilson (SC)	Baldwin	Emerson	Latham
Blunt	Gonzalez	Melancon	Strickland	Visclosky	Wolf	Barrett (SC)	Engel	LaTourette
Boehlert	Goodlatte	Mica	Stupak	Walden (OR)	Wynn	Barrow	English (PA)	Leach
Boehner	Gordon	Michaud	Sullivan	Walsh	Young (AK)	Bartlett (MD)	Eshoo	Levin
Bonilla	Granger	Millender-	Sweeney	Wamp	Young (FL)	Barton (TX)	Etheridge	Lewis (CA)
Bonner	Green, Al	McDonald	Tancredo	Wasserman		Bass	Evans	Lewis (GA)
Boozman	Grijalva	Miller (FL)	Tauscher	Waters		Bean	Everett	Lewis (KY)
Boren	Gutierrez	Miller (MI)	Taylor (NC)			Beauprez	Farr	Linder
Boswell	Hall	Miller (NC)				Berry	Fattah	Lipinski
Boucher	Harman	Miller, Gary				Biggert	Feeney	LoBiondo
Boustany	Harris	Mollohan	Barrow	Green (WI)	Paul	Bilirakis	Ferguson	Lowey
Boyd	Hart	Moore (KS)	Bartlett (MD)	Green, Gene	Petri	Bishop (GA)	Fitzpatrick (PA)	Lucas
Bradley (NH)	Hastings (FL)	Moore (WI)	Bean	Gutknecht	Platts	Bishop (UT)	Flake	Lungren, Daniel
Brady (PA)	Hastings (WA)	Moran (VA)	Berry	Hayworth	Pomeroy	Blackburn	Foley	E.
Brady (TX)	Hayes	Murphy	Brown-Waite,	Hefley	Price (GA)	Blunt	Forbes	Lynch
Brown (OH)	Herger	Murtha	Ginny	Hensarling	Ramstad	Boehlert	Fortenberry	Mack
Brown (SC)	Higgins	Musgrave	Capuano	Herseth	Ross	Boehner	Fossella	Maloney
Brown, Corrine	Hinche	Myrick	Chandler	Hostettler	Salazar	Bonilla	Fox	Marchant
Burgess	Hinojosa	Nadler	Cooper	Hulshof	Sensenbrenner	Bonner	Franks (AZ)	Markey
Burton (IN)	Hobson	Napolitano	Costello	Jones (NC)	Shadegg	Boozman	Frelinghuysen	Marshall
Butterfield	Hoekstra	Neal (MA)	Delahunt	Kennedy (MN)	Shays	Boren	Gallegly	Matheson
Buyer	Holden	Neugebauer	Doggett	Kind	Shimkus	Boswell	Garrett (NJ)	Matsui
Calvert	Holt	Ney	Duncan	Marshall	Stearns	Boucher	Gerlach	McCarthy
Camp (MI)	Honda	Northup	Etheridge	Matheson	Tanner	Boustany	Gilchrest	McCauley (TX)
Cannon	Hooley	Nunes	Flake	Meehan	Taylor (MS)	Boyd	Gillmor	McCollum (MN)
Cantor	Hoyer	Obey	Fossella	Miller, George	Tierney	Bradley (NH)	Gingrey	McCotter
Capito	Hunter	Oliver	Goode	Moran (KS)	Udall (CO)	Brady (PA)	Gonzalez	McCrery
Capps	Hyde	Ortiz	Graves	Norwood	Wu	Brady (TX)	Goode	McGovern
Cardin	Inslee	Osborne				Brown (OH)	Goodlatte	McHenry
Cardoza	Israel	Otter				Brown (SC)	Gordon	McHugh
Carnahan	Issa	Owens	Bishop (NY)	Gibbons	Nussle	Brown, Corrine	Granger	McIntyre
Carson	Istook	Oxley	Bono	Gohmert	Oberstar	Brown-Waite,	Graves	McKeon
Carter	Jackson (IL)	Pallone	Campbell (CA)	Inglis (SC)	Reyes	Ginny	Green (WI)	McKinney
Case	Jackson-Lee	Pascrell	DeLay	Keller	Sessions	Burgess	Green, Al	McMorris
Castle	(TX)	Pastor	Filner	Lantos	Slaughter	Burton (IN)	Green, Gene	McNulty
Chabot	Jefferson	Payne	Ford	Manzullo	Woolsey	Butterfield	Gutierrez	Meehan
Chocola	Jenkins	Pearce				Buyer	Gutknecht	Meek (FL)
Clay	Jindal	Pelosi				Calvert	Hall	Meeks (NY)
Cleaver	Johnson (CT)	Pence				Camp (MI)	Harris	Melancon
Clyburn	Johnson (IL)	Peterson (MN)				Cannon	Hart	Mica
Coble	Johnson, E. B.	Peterson (PA)				Cantor	Hastings (FL)	Michaud
Cole (OK)	Johnson, Sam	Pickering				Capito	Hastings (WA)	Millender-
Conaway	Jones (OH)	Pitts				Capps	Hayes	McDonald
Conyers	Kanjorski	Poe				Capuano	Hayworth	Miller (FL)
Costa	Kaptur	Pombo				Cardin	Hefley	Miller (MI)
Cramer	Kelly	Porter				Cardoza	Hensarling	Miller (NC)
Crenshaw	Kennedy (RI)	Price (NC)				Carnahan	Herger	Miller, Gary
Crowley	Kildee	Pryce (OH)				Carson	Herseth	Miller, George
Cubin	Kilpatrick (MI)	Putnam				Carter	Higgins	Mollohan
Cuellar	King (IA)	Radanovich				Case	Hinojosa	Moore (KS)
Culberson	King (NY)	Rahall				Castle	Hobson	Moore (WI)
Cummings	Kingston	Rangel				Chabot	Hoekstra	Moran (KS)
Davis (AL)	Kirk	Regula				Chandler	Holden	Moran (VA)
Davis (CA)	Kline	Rehberg				Chocola	Holt	Murphy
Davis (FL)	Knollenberg	Reichert				Cleaver	Hooley	Murtha
Davis (IL)	Kolbe	Renzi				Clyburn	Hostettler	Musgrave
Davis (KY)	Kucinich	Reynolds				Coble	Hoyer	Myrick
Davis (TN)	Kuhl (NY)	Rogers (AL)				Cole (OK)	Hulshof	Napolitano
Davis, Jo Ann	LaHood	Rogers (KY)				Conaway	Hunter	Neal (MA)
Davis, Tom	Langevin	Rogers (MI)				Cooper	Hyde	Neugebauer
Deal (GA)	Larsen (WA)	Rohrabacher				Costa	Inslee	Ney
DeFazio	Larson (CT)	Ros-Lehtinen				Costello	Israel	Northup
DeGette	Latham	Rothman				Cramer	Issa	Norwood
DeLauro	LaTourette	Roybal-Allard				Crenshaw	Istook	Nunes
Dent	Leach	Royce				Crowley	Jackson (IL)	Obey
Diaz-Balart, L.	Lee	Ruppersberger				Cubin	Jackson-Lee	Ortiz
Diaz-Balart, M.	Levin	Rush				Cuellar	(TX)	Osborne
Dicks	Lewis (CA)	Ryan (OH)				Culberson	Jefferson	Otter
Dingell	Lewis (GA)	Ryan (WI)				Cummings	Jenkins	Owens
Doolittle	Lewis (KY)	Ryun (KS)				Davis (AL)	Jindal	Oxley
Doyle	Linder	Sabo				Davis (CA)	Johnson (CT)	Pallone
Drake	Lipinski	Sánchez, Linda				Davis (FL)	Johnson (IL)	Pascrell
Dreier	LoBiondo	T.				Davis (IL)	Johnson, E. B.	Pastor
Edwards	Lofgren, Zoe	Sanchez, Loretta				Davis (KY)	Johnson, Sam	Pearce
Ehlers	Lowey	Sanders				Davis (TN)	Jones (NC)	Pelosi
Emanuel	Lucas	Saxton				Davis, Jo Ann	Jones (OH)	Pence
Emerson	Lungren, Daniel	Schakowsky				Davis, Tom	Kanjorski	Peterson (MN)
Engel	E.	Schiff				Deal (GA)	Kaptur	Peterson (PA)
English (PA)	Lynch	Schmidt				DeFazio	Kelly	Petri
Eshoo	Mack	Schwartz (PA)				DeGette	Kennedy (MN)	Pickering
Evans	Maloney	Schwarz (MI)				DeLauro	Kennedy (RI)	Pitts
Everett	Marchant	Scott (GA)				DeLay	Kildee	Platts
Farr	Markey	Scott (VA)				Dent	Kilpatrick (MI)	Poe
Fattah	Matsui	Serrano				Diaz-Balart, L.	Kind	Pombo
Feeney	McCarthy	Shaw				Diaz-Balart, M.	King (IA)	Pomeroy
Ferguson	McCauley (TX)	Sherman				Dicks	King (NY)	Porter
Fitzpatrick (PA)	McCollum (MN)	Sherwood				Dingell	Kingston	Price (GA)

NAYS—53

NOT VOTING—18

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to vote.

□ 1701

Mr. DELAHUNT and Mr. RAMSTAD changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 229, final passage of H.R. 5521, I was in my Congressional District on official business. Had I been present, I would have voted “yea”.

BROADCAST DECENCY
ENFORCEMENT ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 193.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 193, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 35, not voting 18, as follows:

Price (NC)	Schwarz (MI)	Thompson (MS)
Pryce (OH)	Scott (GA)	Thornberry
Putnam	Sensenbrenner	Tiahrt
Radanovich	Shadegg	Tiberi
Rahall	Shaw	Tierney
Ramstad	Shays	Towns
Rangel	Sherwood	Turner
Regula	Shimkus	Udall (CO)
Rehberg	Shuster	Udall (NM)
Reichert	Simpson	Upton
Renzi	Skelton	Van Hollen
Reynolds	Smith (NJ)	Velázquez
Rogers (AL)	Smith (TX)	Visclosky
Rogers (KY)	Smith (WA)	Walden (OR)
Rogers (MI)	Snyder	Walsh
Rohrabacher	Sodrel	Wamp
Ros-Lehtinen	Solis	Weiner
Ross	Souder	Weldon (FL)
Rothman	Spratt	Weldon (PA)
Roybal-Allard	Stearns	Weller
Royce	Strickland	Westmoreland
Ruppersberger	Stupak	Wexler
Rush	Sullivan	Whitfield
Ryan (OH)	Sweeney	Wicker
Ryan (WI)	Tancredo	Wilson (NM)
Ryun (KS)	Tanner	Wilson (SC)
Salazar	Tauscher	Wolf
Sanchez, Loretta	Taylor (MS)	Wu
Saxton	Taylor (NC)	Wynn
Schiff	Terry	Young (AK)
Schmidt	Thomas	Young (FL)
Schwartz (PA)	Thompson (CA)	

NAYS—35

Abercrombie	Honda	Schakowsky
Baird	Kucinich	Scott (VA)
Becerra	Lee	Serrano
Berkley	Lofgren, Zoe	Sherman
Berman	McDermott	Stark
Blumenauer	Nadler	Wasserman
Clay	Olver	Schultz
Conyers	Paul	Waters
Delahunt	Payne	Watson
Frank (MA)	Sabo	Watt
Grijalva	Sánchez, Linda	Waxman
Harman	T.	
Hinchee	Sanders	

NOT VOTING—18

Bishop (NY)	Gohmert	Oberstar
Bono	Inglis (SC)	Reyes
Campbell (CA)	Keller	Sessions
Filner	Lantos	Simmons
Ford	Manzullo	Slaughter
Gibbons	Nussle	Woolsey

□ 1709

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 230, final passage of S. 193, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, on rollcall vote No. 230 on S. 193, my vote was mistakenly recorded as "aye" when it should have said "nay."

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 842, I call up the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Refinery Permit Process Schedule Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "applicant" means a person who is seeking a Federal refinery authorization;

(3) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a

Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration